

TOWN OF LOOMIS

ADMINISTRATIVE POLICIES AND PROCEDURES

WHISTLEBLOWER POLICY

Effective Date: 8/11/2015

Resolution 15-16

PURPOSE

The Town of Loomis strives to maintain a workplace with a high ethical standard of conduct in all activities and conduct its business in a fair, effective, efficient, and transparent manner. The Town must protect its assets and resources from fraudulent, illegal, and dishonest activities by protecting its assets and resources, by maintaining effective internal controls and by identifying and investigating any possibility of fraud or other improper activities. To this end, this Whistleblower Policy ("Policy") establishes procedures for Town employees and the Loomis community to report alleged illegal, fraudulent, or improper activity by Town employees and to assure that such reports do not result in retaliation by the Town.

POLICY

Community members and Town staff are encouraged to report good faith suspicions of misconduct by Town employees and any misuse of Town property or resources. Any Town employee who makes such a good faith report is protected against adverse employment actions by the Town for raising such allegations, and shall not suffer any reprisals or retaliation by the Town for making the report, whether or not the allegations are sustained. The whistleblower must exercise sound judgment to avoid baseless allegations. The intentional filing of a false report is itself considered an improper governmental activity which the Town has the right to act upon.

PROHIBITED ACTIVITIES

Any person should report information related to one of the following prohibited activities which includes, but is not limited to:

- A violation of Federal and State laws or Town ordinance
- Financial fraud
- Substantial or specific danger to the employee's or public's health and safety
- Unethical business conduct and practices

PROCEDURES

A. When to Report

A complaint filed under this Policy should be filed within 45 days of the date of the act or event which is subject of the complaint.

B. Whom to Report To

If a Town employee is making the report, all reports should first be made to the employee's supervisor, unless the report involves alleged misconduct of the supervisor. If the complaint is not against the supervisor, and action is within the supervisor's authority, the supervisor should take all actions necessary to curtail the behavior and determine the appropriate consequences and then inform the Town Manager. If the action is not within the supervisor's authority, the supervisor should immediately report the matter to the Town Manager.

If a Town employee is making the report that involves alleged misconduct of her/his supervisor, the employee should report the matter directly to the department head or the Town Manager.

If someone other than a Town employee is making the report, the report should be made to a department head or the Town Manager who will then follow up on the matter. To the extent possible, the identity of the whistleblower will remain confidential. However, the Town reserves the right to disclose the identity of the whistleblower, if the identity may have to be disclosed to conduct a thorough investigation, to comply with applicable laws or to provide individuals their legal rights of defense.

C. How to Report

Use of the "Whistleblower Complaint Form" is desirable. Submit the form to the following: Town of Loomis, Attention Whistleblower Program, P. O. Box 1330 (3665 Taylor Road), Loomis, CA 95650. Employees are encouraged to provide as much specific information as possible, including names, dates, places, the events that took place and the employee's perception of why the incident(s) may constitute a violation or misconduct.

PROTECTION FROM RETALIATION

A. Retaliation Prohibited

No Town employee, or any person acting on behalf of the Town, shall use or threaten to use any official authority to influence, restrain, or prevent any other person who is acting in good faith and upon a reasonable good faith belief as a whistleblower. No Town employee shall use or threaten to use any official authority or influence to cause any adverse employment action (including discharge, demotion, suspension, harassment, or other forms of discrimination) as retaliation against a Town employee who acts as a whistleblower in good faith and with reasonable belief that improper conduct has occurred. However, this Policy does not prohibit the Town from taking an adverse action for legitimate or non-discriminatory reasons due to a mere causal connection to the protected Whistleblower activity. Such legitimate or non-discriminatory actions may include discipline for a legal cause or refusing to hire/promote/transfer or to take any other legitimate personnel action based on inadequate qualifications or poor performance reviews.

B. Investigation of Complaints

Depending upon the nature of the complaint, the Town Manager or his/her designee will investigate the complaint to determine if misconduct and/or violation of the Policy has occurred. To the extent permitted by personnel privacy laws, the Town Manager or his/her designee will meet with the complainant to discuss the findings of the investigation and will use best efforts to ensure timely resolution of the matter.

TOWN OF LOOMIS

WHISTLEBLOWER COMPLAINT

3665 Taylor Road
Loomis, CA 95650
916-652-1840

Instructions: complete this form and return it to either a department head or Town Manager. This is a confidential format for reporting any wrongdoing. However, confidentiality may not be maintained if your report results in criminal prosecution and you are called upon to testify. Disclosure may also be required to conduct a thorough investigation, to comply with applicable laws or to otherwise provide individuals with their legal rights of defense.

Name: _____
(Optional)

Address: _____
(Optional)

Are you a Town of Loomis employee? Yes No

If yes, what is your position or relationship to the Town? _____

Work phone: _____
(Optional)

Home/cell phone: _____
(Optional)

1. Identify the person or persons against whom your allegations are made.

2. Describe the nature of your complaint, the incident(s) or event(s), date(s), time(s), and place(s). Attach additional pages to this complaint if necessary.

3. Identify others who may have observed or witnessed the above incident(s) or event(s).

4. Do you have any documents that support your allegation? Yes No

(Please list and attach copies:

Submit the completed form to the following: Town of Loomis, Attention Whistleblower Program, P.O. Box 1330, Loomis, CA